



**State of Arizona
Department of Education**

Jaime A. Molera
Superintendent of
Public Instruction

September 27, 2002
CN#11-03

MEMORANDUM

To: Administrators, National School Lunch and School Breakfast Programs

From: Lynne Dulin, Director of Student Services

Subject: POLICY UPDATE – Foods of Minimal Nutritional Value

This memorandum is a follow-up to our previous memo issued April 20, 2001 (CN-14-01). Questions continue to be raised regarding soda, or other foods of minimal nutritional value (FMNV). Regulations require that the reimbursable meal be priced as a unit. Any FMNV provided with a reimbursable meal “at no additional charge” is in fact being “sold” as part of the unit. As such, ***this violates the prohibition*** against selling FMNV in the food service area during meal periods. If, students are permitted to choose soda with a reimbursable meal, that FMNV is, in effect, being served in competition with the reimbursable meal. ***This practice is prohibited*** since it introduces access to FMNV in the food service area during the meal service period.

The food service area must be properly designated for the purposes of restricting the service of soda and other FMNV. The term “food service area” refers to any area on school premises where program meals are both served and eaten, as well as any areas in which program meals are either served or eaten. “Eating areas” that are completely separate from the “serving lines” are clearly part of the food service area. Furthermore, schools may not design their food service area in such a way as to encourage or facilitate the choice or purchase of FMNV as a ready substitute for, or addition to, program meals. Similarly, “during meal periods” includes both the time of serving and the time the student spends eating the meal.

Violations of this policy will result in disallowance of claiming for all meals served by a school on the day of the violation. In addition, monitoring compliance of corrective action plans will occur.

Please contact one of our specialists if you have questions regarding this memorandum.

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Listed below is a web site that provides excellent information linking academic performance to school nutrition programs.

<http://www.nsba.org/sbn/02-sep/092402-6.htm>